

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13975, of the District of Columbia Development Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements (Section 3301) for a proposed conversion of a tenement house to a three unit apartment house in an R-4 District at premises 1911 13th Street, N.W., (Square 274, Lot 127).

HEARING DATE: June 15, 1983

DECISION DATE: June 15, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 13th Street, N.W., between T and U Streets. It is known as the premises 1911 13th Street, N.W. and is in an R-4 District.

2. The subject lot is approximately seventeen feet wide and 100 feet long. The lot contains 1,667 square feet. It is improved with a three story plus basement brick rowhouse. The third floor does not extend for the full depth of the building. There is also a one-story addition at the rear of the building which is in ruins and is to be demolished.

3. The structure has been vacant for over ten years. The most recent certificate of occupancy for the building was for a tenement house, with no indication of the number of units.

4. The applicant proposes to convert the existing building into an apartment house containing three dwelling units. There will be a two bedroom unit on the basement floor and a three bedroom unit is proposed for the second and third floor areas. The subject structure contains over 3,100 square feet of floor area.

5. According to the Zoning Regulations, at least 900 square feet of lot area is required per unit to convert a building to an apartment house in an R-4 District. The subject lot would thus require 2,700 square feet of lot area. Since the lot contains only 1,667 square feet, a variance of 1,033 square feet is required.

6. The subject property is located in the Shaw Urban Renewal Area.

7. The subject site is bordered by a ten foot wide public alley at the rear. The site is located in an area which is developed primarily with two and three story rowhouse type structures. The site is less than 200 feet from a commercial strip fronting on U Street. Within that strip will be a Metrorail station on the Greenbelt line, scheduled to open in 1990.

8. The proposed conversion of the subject property is part of a larger undertaking by the applicant, known as the Barry-Homes Project, whereby the applicant will rehabilitate a total of six residential structures containing a total of twenty-four units within the District of Columbia. The applicant has undertaken the Barry-Homes Project pursuant to an agreement with the U.S. Department of Housing and Urban Development (HUD) to make the rehabilitated dwelling units available for rental to low and moderate income families pursuant to the Department's guidelines for Section 8 housing.

9. The applicant is a District of Columbia, not-for-profit corporation, which has been chartered to promote economic development and housing in low-income areas of the District of Columbia. The applicant is funded exclusively by the District of Columbia Department of Housing and Community Development

10. The Department of Housing and Urban Development established a deadline of February 1, 1984, for all the properties to be ready for occupancy. The HUD commitment of funds is based on the approved mix of units. Any adjustment in that mix would result in the loss of funding for the entire project.

11. The practical difficulty faced by the applicant is caused by the size of the building in relation to the size of the lot, combined with the cost of converting the vacant structure to apartment use consistent with the approved HUD package.

12. The Office of Planning, by memorandum dated June 8, 1983, recommended that the application be approved. The Office of Planning reported that there is clearly a need for various programs that will serve to implement the District's housing policies. The applicant's rehabilitation project involving six residential properties in the District and in excess of \$2.6 million of federal funds is such a program. Rehabilitation of 1911 13th Street, N.W. and its conversion to three apartment units is an integral part of the program. Without the variance sought, the subject structure could not be rehabilitated and the District would stand to lose a significant amount of funds already allocated. The Office

of Planning noted that the practical difficulty in this case is caused by a combination of overlapping governmental constraints and the high cost of converting a vacant tenement house to a three unit apartment with a HUD approved rent structure that is lower than the market rate for comparable units in the area. The Office of Planning reported that the impact on the community of the three unit apartment house would likely be far less harmful, in fact far more beneficial, than would the impact of the currently authorized tenement use. The Board concurs with the findings and recommendation of the Office of Planning.

13. There was no report from Advisory Neighborhood Commission 1B

14. There was no opposition to the application at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that the area of the building in relation to the lot area of the property, combined with the overlapping District and Federal requirements pertaining to the configuration of the units proposed within the structure, constitute an exceptional condition inherent in the property causing a practical difficulty for the owner. The Board notes that there was no opposition to the application. The Board concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Carrie L. Thornhill, Maybelle T. Bennett, Douglas J. Patton, William F. McIntosh and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 15 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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